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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,004	10/31/2003	Hirohisa Tashiro	SHO-0024	8250
23353 7590 10/08/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER HSU, RYAN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 10/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,004

Applicant(s)

TASHIRO ET AL.

Examiner

RYAN HSU

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6 and 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6 and 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 8/29/08. In the previously mentioned request claims 1, 6, 8, 11, 12-13 have been amended and claims 14-16 have been newly added. Claims 1, 4-6, and 8-16 are pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al. (US 2005/0192090 A1) and further in view of Uchiyama et al. (US 6,638,165 A).

Regarding claims 1, 8, and 14-16, Muir discloses a gaming machine comprising: a game result display device for displaying a game result thereon; and a beneficial state-generating device for generating a beneficial state for a player (*see 'winning outcome' of Fig. 9 and the related description thereof*). Additionally, Muir discloses the game result display device to include a first display device and a second display device arranged in front of a display area of the first display device when seen from a front side of the gaming machine (*see element [16, 68, 80] of Fig. 8 and the related description thereof*). Furthermore, Muir discloses a second display device that has symbol display areas that correspond to the symbol display parts through which the symbols displayed on the first display device are transmittably displayed and the window frames, each respective one of the window frames having an inner periphery to define a window

frame display area therebetween, each respective one of the window frames surrounding a respective one of the symbol display parts with a respective inner periphery being contiguous to a respective symbol display part and wherein the display mode of the window frame display area is changed (*see element [78, 60, 68] of Fig. 8 and the related description thereof*), the illumination device is adapted not to illuminate the symbol corresponding to the symbol display area and a light transmittance rate of the symbol display area is made low (*see paragraph [0011-0015, 0018-0027]*). However, Muir is silent with respect to a display of a moving object image so as to move along each of the window frames.

In an analogous gaming patent, Uchiyama teaches a gaming machine that comprises two displays that are placed one in front of the other. Uchiyama teaches that one display is a mechanical or physical reel system while the other is video display device (*see Fig. 8(a-c) and the related description thereof*). Uchiyama teaches that the video display device is capable of displaying light transmitting symbols and objects that can variably move about the screen including those of the window frames in the gaming machine (*see col. 12; In 21-col. 13; In 40*). Additionally, Uchiyama teaches a gaming device that incorporates window frames in the display apparatus that has inner periphery and outer periphery disposed around and apart from the inner peripheral to define the window frame display area so that the two display appear to interact with one another (*see Figs. 6-7 and the related description thereof*). One would be motivated to incorporate the features of Uchiyama with that of Muir in order to create a more stimulating visual experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muir with that of Uchiyama as it would not

change the physical capabilities of Muir invention but would add an element that is known in the arts as creating a more visually stimulating experience.

Regarding claims 4 and 9, Muir disclose a gaming machine wherein the display mode of the window frame display area is changed substantially at the same time that the stop display of the symbol is conducted (*see paragraph [0022-0031, 0050-0052]*).

Regarding claims 5 and 10, Muir disclose a gaming machine wherein an internal winning combination determination device for determining an internal winning combination and a display mode of the window frame display area is changed when the internal winning combination determination device determines a predetermined combination as the internal winning combination (*see paragraph [0051-0065]*).

Regarding claims 6 and 11, Muir discloses a gaming machine comprising: a game result display device for displaying a game result thereon; and a beneficial state-generating device for generating a beneficial state for a player (*see 'winning outcome' of Fig. 9 and the related description thereof*). Additionally, Muir discloses the game result display device to include a first display device and a second display device arranged in front of a display area of the first display device when seen from a front side of the gaming machine (*see element [16, 68, 80] of Fig. 8 and the related description thereof*). With respect to the first display device, Muir discloses the device to include at least one symbol display part capable of variably displaying one or more symbols and conducting stop display thereof (*see element 16 of Fig. 8 and the related description thereof*). With respect to the second display device, Muir discloses the device to have at least one symbol display area corresponding to the at least one symbol display

part through which the symbols displayed on the first display device are transmittably displayed and at least one window frame display area formed around the at least one symbol display area in the second display device (*see element [68, 80, 78, and 60] of Fig. 8 and the related description thereof*). Furthermore, Muir discloses that at least one window frame display area has a first display mode and a second display mode visually different from the first display mode and wherein the at least one window frame area changes from the first display mode to the second display mode when the beneficial state generating device generates the beneficial state for the player (*see Fig. 6-7 and the related description thereof*), the first display mode depicted only as a frame structure and the second display mode being a moving image superimposed on and moving along the frame structure (*see paragraph [0022-0030, 0051-0068]*).

Regarding claims 12 and 14, it appears that the effect display area (23) and the LCD (2b) appear to be pointing to the same component as viewed in light of the applicant's own specification (*see Fig. 2*). As a result the Examiner has interpreted the apparatus claim to incorporate that the LCD display would be capable of meeting the limitations required by any effect display area. As such, Muir teaches of gaming machine that comprises:

- 1) an internal winning combination determination device for determining an internal winning combination based on that of a start operation detection device that detects the start operation of a game (*ie: starting a reel game*) (*see paragraph [0040-0048]*).

- 2) The gaming machine has a start operation detection device for detecting a start operation of a game and a game result display device and a beneficial state generating device for generating a beneficial state for a player when a predetermined game result is displayed on the

game result display device (*see paragraph [0051] and Figs. 8-9 and the related description thereof*).

Furthermore, Muir discloses a gaming machine that comprises a game result display device that comprises of multiple display devices to be used in conjunction with one another to produce a variable display effect (*see paragraph [0012-0030, 0051-0064]*). The game result display device of Muir discloses:

1) a first display device having a plurality of rotatable reels on each periphery of which plural symbols wherein the reels of the first display device are capable of variably displaying the plural symbols when the start operation device detects the start operation of a game and is capable of stopping variable displays of the plural symbols when the stop signal is received for the variable display of the plural symbols occurs by operation of a stop button (*see Fig. 8-9 and the related description thereof*).

Additionally, the game result display of Muir discloses the use of a liquid crystal display device arranged in front of the first display device when seen from a front side of the gaming machine. The liquid crystal display of Muir is disclose to have a symbol display area capable of transmittably displaying the symbols variably displayed and stopped on the reels and a window frame display area formed so as to enclose the symbol display area and an effect display area other than the symbol display area and the window frame display area, the effect display area displaying an effect image thereon (*see paragraph [0051-0065]*). Due to the interpretation that the LCD display is equivalent to the aforementioned effect display area the LCD of Muir being a LCD display placed in front of a mechanical reel set is capable of displaying any type of animation or symbol graphics on the electronic display device and would therefore meet the

limitations of the claims (*see paragraph [0051-0054]*). However, Muir is silent with respect to a display of a moving object image so as to move along each of the window frames.

In an analogous gaming patent, Uchiyama teaches a gaming machine that comprises two displays that are placed one in front of the other. Uchiyama teaches that one display is a mechanical or physical reel system while the other is video display device (*see Fig. 8(a-c) and the related description thereof*). Uchiyama teaches that the video display device is capable of displaying light transmitting symbols and objects that can variably move about the screen including those of the window frames in the gaming machine (*see col. 12: ln 21-col. 13: ln 40*). Additionally, Uchiyama teaches a gaming device that incorporates window frames in the display apparatus that has inner periphery and outer periphery disposed around and apart from the inner peripheral to define the window frame display area so that the two display appear to interact with one another (*see Figs. 6-7 and the related description thereof*). One would be motivated to incorporate the features of Uchiyama with that of Muir in order to create a more stimulating visual experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muir with that of Uchiyama as it would not change the physical capabilities of Muir invention but would add an element that is known in the arts as creating a more visually stimulating experience.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

RH

September 30, 2008

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714